

UNITED STATES DISTRICT COURT
DISTRICT OF MAINE

CLIFTON FRANCIS,)
)
)
MOVANT)
v.)
UNITED STATES OF AMERICA)
)
)
RESPONDENT))

CRIMINAL No. 2:08-cr-182-DBH
CIVIL No. 2:12-cv-64-DBH

ORDER AFFIRMING RECOMMENDED DECISION OF THE MAGISTRATE JUDGE

On October 11, 2012, the United States Magistrate Judge filed with the court, with copies to the parties, her Recommended Decision on 28 U.S.C. § 2255 Motion. The movant filed his objection to the Recommended Decision on November 5, 2012. I have reviewed and considered the Recommended Decision, together with the entire record; I have made a *de novo* determination of all matters adjudicated by the Recommended Decision; and I concur with the recommendations of the United States Magistrate Judge for the reasons set forth in the Recommended Decision, and determine that no further proceeding is necessary.

It is therefore **ORDERED** that the Recommended Decision of the Magistrate Judge is hereby **ADOPTED**. No evidentiary hearing is warranted under Rule 8 of the Rules Governing Section 2255 Cases. The motion for habeas relief under 28 U.S.C. § 2255 is **DENIED**.

Finally, I find that no certificate of appealability pursuant to Rule 11 of the Rules Governing Section 2255 Cases shall issue in the event the movant

files a notice of appeal because there is no substantial showing of the denial of a constitutional right within the meaning of 28 U.S.C. § 2253(c)(2).

So ORDERED.

DATED THIS 27TH DAY OF NOVEMBER, 2012

/S/D. BROCK HORNBY

D. BROCK HORNBY

UNITED STATES DISTRICT JUDGE